

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

HEATHER RUDY, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

D.F. STAUFFER BISCUIT CO., INC.,

Defendant.

Case No.: 1:21-cv-03938

Judge Andrea R. Wood

**DEFENDANT D.F. STAUFFER BISCUIT CO., INC.'S NOTICE OF  
SUPPLEMENTAL AUTHORITY IN SUPPORT OF ITS MOTION TO DISMISS**

Defendant, D.F. Stauffer Biscuit Co., Inc. (“Stauffer”), by and through undersigned counsel, respectfully submits to this Honorable Court notice of supplemental authority in further support of its opening Motion to Dismiss filed with this Court on November 1, 2021 (Doc. 9).

In *Cruz v. D.F. Stauffer Biscuit Co., Inc.*, No. 20-CV-2402 (“*Cruz Docket*”), Magistrate Judge James L. Cott issued a Report and Recommendation (R&R) that District Judge Paul G. Gardephe grant Stauffer’s Motion to Dismiss pursuant to Rule 12(b)(6) (*Cruz Docket* at Doc. 36). Stauffer informed this Court of Magistrate Judge Cott’s R&R on November 15, 2021 (Doc. 16). As stated in Stauffer’s previous filings with this Court, the *Cruz* action was initiated almost a year and a half before the instant matter, and mirrors the false advertising claims as to Stauffer’s Lemon Snaps product that Ms. Rudy asserts here.

On September 29, 2022, Judge Gardephe issued an order adopting Magistrate Judge Cott’s R&R in its entirety, and dismissing the *Cruz* Plaintiffs’ Amended Complaint with prejudice (*Cruz Docket* at Doc. 39). Judge Gardephe’s Order is attached hereto as **Exhibit A**.

Accordingly, Stauffer respectfully requests that this Court take notice of Judge Gardephe's Order as supplemental authority in further support of its Motion to Dismiss filed in this matter on November 1, 2021.

Respectfully submitted,

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*Counsel for Defendant  
D.F. Stauffer Biscuit Co., Inc.*

Date: October 25, 2022

**CERTIFICATE OF SERVICE**

I hereby certify that on October 25, 2022, I electronically filed the foregoing Notice of Supplemental Authority with the Clerk of the Court using the CM/ECF system, which will send notification of such filing upon the following:

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